

## **REMARKS**

### **Pending Claims:**

In this application, claims 1-5, and 7-14 are currently pending. Claims 2-5, 9, 10 have not be altered since filing. Claims 1, 7, and 8 are amended by this Response. Claim 6 has been deleted. Claims 11-14 have been added. Entry of these amendments is respectfully requested.

### **First Office Action**

The Examiner issued a first office action on March 10, 2005, in which the then pending claims were rejected over Niamir, U.S. Patent Publication No. 2002/0027567. The applicant amended the pending claims to emphasize two points of distinction over Niamir. First, the applicant noted that the web servers of the contributing businesses in the present invention do not need to alter, manipulate, or even understand the aggregated data portion received from the central server system. Instead, the aggregated data portion is formatted in a markup language and then passed on to the end users without significant alteration. In contrast, the local listing servers of Niamir are programmed to understand all communications with the central search server and present this information directly to the user through a different user interface. In addition, claims 6-9 required that the aggregated data portion does not contain any identifying information from the aggregated data collection, a limitation that was not found in Niamir.

### **Current Rejection**

The Examiner has now rejected the pending claims as anticipated by Vidali, U.S. Patent Publication No. 2004/0143450. The Examiner indicated that the formatting of the aggregated data in a markup language and passing the unaltered aggregated data portion to user browsers is taught at paragraphs 0050-0055 of Vidali. The Examiner further believes that Vidali teaches the withholding of identifying information from the aggregated data portion, although no specific location in Vidali is cited for this teaching.

## Amendment to Claims

In response to the current rejection, the Applicant has amended claim 1 and added new claims 11-14. Claim 1 as been amended to clarify that the information stored at the central server relates to items available at the first and second businesses. Current claims 8 and 9 indicate that the items available at the businesses could be physical items for sale at a retailer, real property being sold by a broker, or services provided by the businesses to third parties. In addition, claim 1 further indicates that while the central server is provided information that identifies the business from which the item is available, this identifying information is not presented within the aggregated data portion provided to the servers and presented to the user browsers. This unique aspect of the present invention is explained in the specification (paragraph number taken from published application):

[0027] It is possible to remove information in the aggregated data 60 so as to limit the ability of end users 40 to use the data 60 without assistance from the participating businesses 30. For instance, in the real estate market, data from competing real estate agencies 30 can be aggregated for presentation to end users 40. Users 40 of each of the agencies' web sites 50 can access data from all of the agencies 30 on any one of the web sites 50. The present invention could remove various identification data, such as property location, or listing agent, from the data 60 before it is viewed by end users 40. This information would be available to the agencies 30 themselves. Thus, users 40 would have to contact the agency 30 that operates the web site 50 to obtain additional information about any property found in the aggregated data 60. This would be true even if the agency 30 that operates the particular web site 50 used by end user 40 was not the agency 30 that originally listed that property.

Vidali does not teach or suggest this aspect of aggregated data relating to items from multiple businesses, and then providing this aggregated data back to the business for end user use while deliberately withholding the business identifying information from the data. This teaching is also not found in Niamir or any other cited reference.

In addition, while the Examiner was correct in noting that Vidali taught the aggregation and distribution of XML data, the amended claim 1 now specifically requires: i) that the data relate to items available at the businesses, and ii) that the aggregated data portion that is defined in the mark-up language is included with a web page and transmitted to the user browser. In Vidali, the XML data related to user input data, such as a user's phone number or address, and was used to avoid duplicating data entry tasks (Vidali, paragraphs 0053 and 0097). In addition, Vidali teaches only two ways in which the XML data is used. In paragraph 0053, the XML data is requested by

the remote computer, and is transmitted directly to the requesting computer. The requesting computer then validates and interprets the data to be sure that it is the requested data. This data is not incorporated into the web page, but is sent alone directly to the remote computer. In paragraph [0097], the XML data is used by the system to partially complete a form such as a loan application. However, in this case the XML data is understood and manipulated by the server 112, which itself is written using XML data (Vidali, paragraphs 0053 and 0097). Nothing in Vidali teaches the incorporation of the data "unaltered" (as required by claim 1) into a web page that is transmitted to user browser. Consequently, for these multiple reasons, newly amended claim 1 should be considered patentable over Vidali, Niamir, and all of the other cited prior art.

#### **New Claims:**

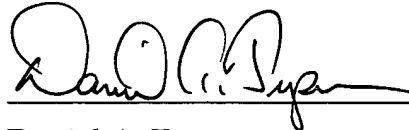
Claims 11-14 are new claims relating to the transmission of aggregated data portions from the central server in HTML format to a first and second web server, wherein the first web server combines this unaltered portion with a second portion into a single web page. These claims are supported by the Specification as originally filed, and are patentable over the prior art. The web servers of these claims do not alter or manipulate the aggregated data portion received from the central server system in any way. Instead, the aggregated data portion is formatted in HTML, and then passed on to the end users without alteration by combining it with a second portion into a single web page. As explained above, this is not found in the local listing servers of Niamir, which are specially programmed to understand all communications with the central search server and present this information directly to the user through a different user interface. Furthermore, while Vidali may transmit XML data directly to remote computers, the XML data is not HTML formatted, and is not used unaltered within a separate web page. Consequently, these claims 11-14 should be considered patentable over the prior art.

## CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,  
NARDAQ CORP.  
By its attorneys:

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A handwritten signature in black ink, appearing to read "Daniel A. Tysver", written over a horizontal line.

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